

February 25, 2005

Ms. Nancy Fiamingo, COO
Solaris-Muhlenberg Regional Medical Center
1200 Randolph Road
Plainfield, New Jersey 07061

Re: **Notice of Proposed Assessment of Penalties:**
Advanced Life Support Ambulance Service Provider
Investigation Control #05-A-001

Dear Ms. Fiamingo:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which governs the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits a hospital, once approved, to develop and maintain a mobile intensive care program and to provide advanced life support services utilizing licensed physicians, registered professional nurses trained in advanced life support and certified Emergency Medical Technician-Paramedics. In furtherance of this statutory scheme, the Department of Health and Senior Services has adopted regulations that govern the administration and operation of these mobile intensive care programs, at N.J.A.C. 8:41-1.1, et seq.

On June 9, 2004 at approximately 10:00 a.m., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unscheduled inspection of Solaris-Muhlenberg Mobile Intensive Care Unit vehicle #999, license plate #NF17589, which was parked at Muhlenberg Regional Medical Center.

The inspection revealed expired medications in primary and back up drug boxes. Specifically, Adenocard was found in the primary and secondary drug bags with an expiration date of May 2004.

As a licensed provider of Advanced Life Support services, it is your responsibility to ensure that each vehicle is staffed with the required personnel and equipment each and every time the vehicle is called into service. Specifically, you should be aware that N.J.A.C. 8:41-6.3(g) states no vehicle shall carry any medication, solution, supplies or equipment beyond the sterility or expiration date printed or affixed to the item by the

manufacturer or processor.

Pursuant to N.J.A.C. 8:41-12.3(c), violation by a Mobile Intensive Care Program of any portion of N.J.A.C. 8:41-1.1, et seq., may be cause for action against the program, including, but not limited to, reprimand, placing of conditions for continued operation of a program, suspension of license, revocation of license, fines, reassignment of medical command or any combination thereof. I find that in this case, the imposition of a monetary penalty is the appropriate disciplinary action. Therefore, in accordance with N.J.A.C. 8:41-12.3(h) and N.J.S.A. 26:2K-15, Solaris-Muhlenberg Regional Medical Center – Mobile Intensive Care Program is hereby assessed a penalty in the amount of \$200 for the violation noted above.

A certified check or money order in the amount of \$200 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2K-15 and N.J.A.C. 8:41-12.3(c), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Mr. Samuel Stewart, Esq.

Pursuant to N.J.S.A. 26:2K-15 and N.J.A.C. 8:41-12.4, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Please include the control #05-A-001 on all of your correspondence. **Finally, failure to request a hearing within 30 days of this notice shall render this notice final, and the entire \$200 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart at (609) 633-7777.

Sincerely,

Karen Halupke, RN, M.Ed
Director, Emergency Medical Services

c: Michele Stark L&RA
Charles McSweeney, OEMS
Samuel Stewart, Esq., OEMS
Kenneth Beym, OEMS
William Dougan, OEMS

VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7002 2410 0003 3470 5521
RETURN RECEIPT REQUESTED